

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 403**

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**Introduced by Assembly Member Campos**

February 14, 2011

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An act to amend Section 116365.5 of the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Campos. Public drinking water standards: hexavalent chromium.

The Calderon-Sher Safe Drinking Water Act of 1996 requires the State Department of Public Health to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water. Existing law requires the department to establish a primary drinking water standard for hexavalent chromium on or before January 1, 2004. *Existing law requires the department to report to the Legislature on the progress in developing a primary drinking water standard for hexavalent chromium by January 1, 2003.* Violation of certain provisions relating to public water systems is a crime.

This bill would require the department to establish a primary drinking water standard for hexavalent chromium on or before January 1, 2013, and would, ~~if a standard is not adopted by that date, make the public health goal set by the Office of Environmental Health Hazard Assessment as of January 1, 2011, the applicable standard. By expanding the definition of a crime, this bill would impose a state-mandated local program~~ *require the department to report to the Legislature annually on the progress and any delays caused by other agencies, as specified.*

*The bill would authorize the department to adopt a primary drinking water standard for hexavalent chromium without a required report or review from another state agency after 90 days from the date the department requests the report or review and would require the delaying state agency to report the reason for the delay to the Legislature.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Chapter 602 of the 2001–02 Regular Session (Senate Bill*  
4     *351) required the State Department of Public Health to adopt a*  
5     *primary drinking water standard for hexavalent chromium. As of*  
6     *2011, this has not yet occurred.*

7     *(b) Hexavalent chromium is recognized as a human carcinogen.*  
8     *Thus, it is vital that the state take swift action to limit exposure*  
9     *and protect public health.*

10    ~~SECTION 1.~~

11    *SEC. 2. Section 116365.5 of the Health and Safety Code is*  
12    *amended to read:*

13    116365.5. (a) The State Department of Public Health shall  
14    commence the process for adopting a primary drinking water  
15    standard for hexavalent chromium that complies with the criteria  
16    established under Section 116365.

17    (b) The department shall report to the Legislature on its progress  
18    in developing a primary drinking standard for hexavalent chromium  
19    ~~by January 1, 2003; annually, and shall report any delays caused~~  
20    ~~by other agencies, including, but not limited to, the Department~~  
21    ~~of Finance exceeding the 90-day requirement imposed pursuant~~  
22    ~~to Section 116365.01.~~

23    (c) The department shall establish a primary drinking water  
24    standard for hexavalent chromium on or before January 1, 2013.

1 ~~(d) If the department does not adopt a primary drinking water~~  
2 ~~standard for hexavalent chromium as required by subdivision (e)~~  
3 ~~before January 1, 2013, then the standard shall be the public health~~  
4 ~~goal set by the Office of Environmental Health Hazard Assessment~~  
5 ~~as of January 1, 2011.~~

6 *(d) If a state agency that is required by law to review or report*  
7 *before a primary drinking water standard for hexavalent chromium*  
8 *is adopted by the department has not done so within 90 days of*  
9 *the department making the request, the department may adopt the*  
10 *primary drinking water standard for hexavalent chromium without*  
11 *the required review or report.*

12 *(e) A state agency that has not remitted a review or report within*  
13 *90 days, as required by subdivision (c) or Section 116365.01, shall*  
14 *report to the Legislature explaining the delay.*

15 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
16 ~~Section 6 of Article XIII B of the California Constitution because~~  
17 ~~the only costs that may be incurred by a local agency or school~~  
18 ~~district will be incurred because this act creates a new crime or~~  
19 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
20 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
21 ~~the Government Code, or changes the definition of a crime within~~  
22 ~~the meaning of Section 6 of Article XIII B of the California~~  
23 ~~Constitution.~~